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and MATTHEW LUBAWY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HARVEST SMALL BUSINESS FINANCE, LLC,
a California limited liability company,

Plaintiff,

v.

VALBRIDGE PROPERTY ADVISORS, INC., a
Florida corporation; LUBAWY AND
ASSOCIATES, INC., a Nevada corporation; and
MATTHEW LUBAWY, an individual and citizen
of Nevada,

Defendants.

Case No. 2:20-cv-512-JCM-DJA

**STIPULATION AND
ORDER FOR EXTENSION OF TIME
TO CONDUCT RULE 26(f)
CONFERENCE AND SUBMIT
STIPULATED DISCOVERY PLAN
PURSUANT TO LR IA 6-1**

[FIRST REQUESTED EXTENSION]

RECITALS

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2 1. Plaintiff Harvest Small Business Finance, LLC (“Plaintiff”) commenced this action
3 on October 31, 2019 by filing a complaint against Defendants Valbridge Property Advisors, Inc.,
4 Lubawy and Associates, Inc. and Matthew Lubawy (collectively, “Defendants”) in the Eighth
5 Judicial District Court for the State of Nevada in Clark County (Case No. A-19-804623-B).¹

6 2. On March 12, 2020, Defendants filed a notice of removal seeking to remove
7 Plaintiff’s complaint to this Court. (ECF No. 1.)

8 3. On March 19, 2020, Defendants answered Plaintiff’s complaint. (ECF No. 6.)

9 4. On April 13, 2020, Plaintiff filed a motion for remand requesting the Court to
10 remand this action back to Nevada state court and award Plaintiff its attorneys’ fees and costs
11 incurred as a result of Defendants’ removal (the “Remand Motion”). (ECF No. 18.) Pursuant to
12 LR 7-2(b), briefing on the Remand Motion is scheduled to be complete on May 4, 2020.

13 5. Pursuant to LR 26-1(a), the Parties are to (1) conduct a Federal Rule 26(f)
14 conference (“Rule 26(f) Conference”) within thirty (30) days after the first defendant answers or
15 otherwise appears in the action, and (2) submit a stipulated discovery plan and scheduling order
16 fourteen (14) days after the Rule 26(f) Conference.

17 6. Given that Plaintiff’s Remand Motion is likely to remain pending into May of 2020,
18 the Parties have agreed that, subject to Court approval and in an effort to conserve Court and party
19 resources, the Rule 26(f) Conference should be conducted after the Court rules on the Remand
20 Motion. An order granting the Remand Motion will obviate the need to conduct the Rule 26(f)
21 Conference. If the Remand Motion is denied, the Parties will conduct the Rule 26(f) Conference
22 within fourteen (14) days after the Court’s ruling and will submit the stipulated discovery plan and
23 scheduling order to the Court fourteen (14) days after the Rule 26(f) Conference.

24 7. This is the Parties’ first request to extend the time to conduct the Rule 26(f)
25 Conference and to submit their stipulated discovery plan and scheduling order.

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28 ¹ Plaintiff and Defendants are referred to herein collectively as the “Parties.”

STIPULATION

WHEREFORE, Plaintiff and Defendants hereby stipulate that the Rule 26(f) Conference will be conducted, if at all, after the Court's ruling on Plaintiff's Remand Motion. In particular, if the Remand Motion is granted, such an order will obviate the need to conduct the Rule 26(f) Conference. If the Remand Motion is denied, the parties will conduct the Rule 26(f) Conference within fourteen (14) days after the Court's ruling and will submit the stipulated discovery plan and scheduling order to the Court fourteen (14) days after the Rule 26(f) Conference as provided for under LR 26-1(a).

DATED: April 21, 2020

PROCOPIO, CORY, HARGREAVES &
SAVITCH, LLP

By: */s/ Jeffery A. Garofalo, Esq.*

Jeffery A. Garofalo (NV Bar No. 163271)
Attorneys for Plaintiff HARVEST SMALL
BUSINESS FINANCE, LLC, a California
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DATED: April 22, 2020

OLSON CANNON GORMLEY & STOBERSKI

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Attorneys for Defendants VALBRIDGE
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LUBAWY

IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

Dated: April 24, 2020